

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

OCTOBER 3, 2006

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions
- B. Adoption

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to approve:

A) expenditure in the amount of \$80,000 to assist in the installation and ten (10) years maintenance of twenty (20) cobra head streetlights within the Lee Crossing/Homes of Lantana CCRT area;

B) Budget Transfer of \$50,000 from the Transportation Improvement Fund Reserves for District 3 to the Lee Crossing/Home of Lantana Street Lighting Project in the amount of \$40,000 and to the CCRT Street Lighting Maintenance Fund for \$10,000;

C) Budget Transfer of \$30,000 in the Capital Outlay Fund OCR Street Lighting Program to the CCRT Street Lighting Maintenance Fund;

D) Budget Amendment of \$40,000 in the Capital Outlay Fund to recognize and appropriate the transfer from the District 3 reserve funds; and

E) Budget Amendment of \$40,000 in the CCRT Street Lighting Maintenance Fund to recognize and appropriate the transfer of \$30,000 from the Capital Outlay Fund and the transfer of \$10,000 from District 3 reserve funds.

SUMMARY: This street lighting project was initiated by members of the Lantana Homes HOA, Inc. and the total amount of funding provided for this project is \$80,000. The \$80,000 will cover the cost of installation of twenty (20) cobra head streetlights along neighborhood streets in the Lee Crossing/Homes of Lantana CCRT area and the operation, as well as the maintenance of those lights over a ten (10) year period. Based on the Office of Community Revitalization (OCR) staff review, it was determined that the installation of these streetlights will help reduce area crime, enhance pedestrian safety and facilitate safer vehicular movement. District 3 (AH)

2. Staff recommends motion to approve: a Grant Agreement with The Business Loan Fund (BLF) of the Palm Beaches, Inc. in the amount of \$240,000 from October 1, 2006 to September 30, 2007. **SUMMARY:** This Grant Agreement with the BLF will provide for operational expenses necessary to continue providing consulting services and financial assistance to start-up and existing small businesses and community development organizations in Palm Beach County who cannot otherwise secure conventional financing. The scope of services for FY 2006/2007 include: a) providing 27 micro and small business loans, and eight (8) real estate loans for a total amount of \$880,000; b) offering technical assistance to 240 clients; c) creating 40 new full-time equivalent jobs and retaining 40 full-time equivalent jobs; and d) increasing the loan fund by 10%. The BLF exceeded all the performance measures in its existing Agreement (R2005-1828). Countywide (DW)

3. Staff recommends motion to approve: a Grant Agreement with the Palm Beach County Black Business Investment Corporation (BBIC) in the amount of \$88,000 from October 1, 2006 to September 30, 2007. **SUMMARY:** This Grant Agreement with the BBIC will provide for operational expenses necessary to continue providing consulting services and financial assistance to existing and start-up small businesses in Palm Beach County. The scope of services outlined for FY 2007 include: a) obtaining ten (10) business loan approvals from banks in the amount of \$1,300,000; b) serving 340 clients; and c) creating/retaining 140 full-time job positions. As of August 31, 2006, BBIC has exceeded one (1) out of five (5) performance measures outlined in its existing Agreement (R2005-1934) with Palm Beach County. A highlight of BBIC's success is that in addition to the seven (7) loan guaranteed, ten (10) more loans were approved through traditional banks with the assistance of BBIC. Countywide (DW)

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (Cont'd)

4. DELETED

5. DELETED

6. DELETED

7. Staff recommends motion to receive and file: the First Quarterly Report on the Economic Development Office Strategic Economic Plan updates. **SUMMARY:** At the May 23, 2006 BCC Workshop, staff was directed to present quarterly reports regarding the Strategic Economic Plan. Countywide (DW)

8. Staff recommends motion to approve: a Grant Agreement with Florida Atlantic University Small Business Development Center (SBDC) in the amount of \$94,000 to provide technical assistance and training to small businesses in Palm Beach County for the period of October 1, 2006, through September 30, 2007. **SUMMARY:** This Agreement provides Palm Beach County's Small Business Enterprise firms with technical assistance and training in the form of direct consulting services in the areas of finance, marketing, management, construction, human resources, business plans and international trade. In addition, \$50,000 of the \$94,000 will secure services to develop federal certification, such as Section 8(a) HUBZone and Small Disadvantaged Business; identify federal contract opportunities for local small businesses; and assist local businesses in submitting bids to local, state, and federal agencies. On August 1, 2006, the Office of Small Business Assistance completed an audit for Programmatic Efficiency, Financial Accountability, Contract Compliance and Customer Satisfaction, and concluded that the SBDC satisfactorily provides business consultation services to both start-up and existing businesses. As of August 31, 2006, the SBDC satisfactorily met or exceeded the majority of deliverables for the Scope of Work. All goals will be met by September 30, 2006. Countywide (TKF)

9. Staff recommends motion to approve: a Grant Agreement with the Palm Beach County Resource Center, Inc., (PBCRC) a not-for-profit 501(c)(3) corporation in the amount of \$96,800 for consulting/professional services for the period of October 1, 2006, through September 30, 2007. **SUMMARY:** This Agreement with the PBCRC provides funding for activities and services to assist and develop small businesses in Palm Beach County. The PBCRC provides local businesses with access to capital, technical assistance, and procurement opportunities. Staff has determined that the services and assistance provided by the PBCRC are essential to the small business community. On August 4, 2006, the Office of Small Business Assistance completed an audit for Programmatic Efficiency, Financial Accountability, Contract Compliance and Customer Satisfaction, and concluded that the PBCRC has successfully provided business development services to both start-up and existing businesses. As of August 31, 2006, the PBCRC exceeded all but one (1) of its goals. The PBCRC expects to achieve 100 clients by September 30, 2006. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

B. CLERK AND COMPTROLLER

- 1. **Staff recommends motion to approve:** Warrant List.
- 2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Budget	June 8, 2006
Budget	July 13, 2006
Workshop	July 18, 2006
Comprehensive Plan	July 19, 2006

- 3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
- 4. **Staff recommends motion to receive and file:** two (2) of Palm Beach County's annual financial reports for fiscal year ending September 30, 2005:
 - A) the Units of Local Government – Annual Financial Report (AFR); and
 - B) Annual Financial Audit Report (AFAR), including the Single Audit Report.

SUMMARY: The Units of Local Government Report – Annual Financial Report serves to generate input to the State and the Annual Financial Audit Report is a special annual financial report defined in Section 10.550 of the rules of the Auditor General. This report is required to be filed annually with the Auditor General in compliance with Section 11.45 F.S. and includes the Single Audit Report. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

A) a Purchase and Sale Agreement with the City of West Palm Beach (City) regarding purchase of surplus land for right-of-way, for the appraised value of \$2,800 for the planned roadway improvements on Okeechobee Boulevard from Clearlake Bridge to Australian Avenue;

B) a Purchase and Sale Agreement with the City of West Palm Beach for the acquisition of surplus land for road right-of-way for the planned roadway improvements on Okeechobee Boulevard from Australian Avenue to Tamarind Avenue; and

C) a Drainage Easement with the City of West Palm Beach for the planned roadway improvements on Okeechobee Boulevard from Australian Avenue to Tamarind Avenue.

SUMMARY: The City of West Palm Beach has prepared two (2) Agreements and a Drainage Easement to convey to Palm Beach County surplus land necessary for the right-of-way for two (2) planned roadway widening projects on Okeechobee Boulevard: Clearlake Bridge to Australian Avenue and Australian Avenue to Tamarind Avenue. The first Agreement conveys two (2) parcels identified as Parcels 400 and 401, which are located on Okeechobee Boulevard west of Australian Avenue. These parcels are to be purchased from the City for the appraised value of \$2,800. The second Agreement is for the conveyance of land for two (2) parcels identified as Parcels 102 and 104, which are located along Okeechobee Boulevard just east of Australian Avenue. The Drainage Easement is located along Okeechobee Boulevard east of Australian Avenue. Only the parcels west of Australian Avenue require compensation from Palm Beach County. District 7 (MRE)

2. Staff recommends motion to approve: an Agreement with Stonebridge Golf and Country Club of Boca Raton Property Owners Association Incorporated for traffic control jurisdiction to be performed by the Palm Beach County Sheriff's Office. **SUMMARY:** This Agreement authorizes the Palm Beach County Sheriff's Office to provide traffic control enforcement services within the above-referenced private residential community. District 5 (MRE)

3. Staff recommends motion to adopt: a Resolution approving a Tripartite Agreement with Florida East Coast Railway LLC (FEC) and Florida Department of Transportation (FDOT) for the operation of the FEC railroad crossing number 272390-P (mile post 294.47) on Blue Heron Boulevard at Old Dixie Highway. **SUMMARY:** This Agreement will provide for the installation by FEC of the necessary synchronization devices at FDOT's expense. Once completed, Palm Beach County (PBC) will be required to own and maintain the new traffic control devices (PBC already maintains the current signal), the common cable junction box, and the interconnecting cable. District 7 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. Staff recommends motion to approve: the renewal of the Testing Lab Services annual agreements with the following firms:

<u>Firm Name</u>	<u>Original</u>	
	<u>Agreement Date</u>	<u>Resolution No.</u>
Nutting Engineers of Florida, Inc.	October 18, 2005	R2005-1960
Testing Lab of the Palm Beaches	October 18, 2005	R2005-1961

SUMMARY: These agreements are being considered for renewal for required professional services, on a task order basis. Countywide (PFK)

5. Staff recommends motion to adopt: a Resolution to accept maintenance of 13th Road South from Jog Road to 650 feet east, at an estimated cost of \$564 annually. **SUMMARY:** The developer, Pulte Home Corporation, was required to upgrade 13th Road South to County standards in order to meet minimum access standards for a project known as Pinewood Lake. District 2 (MRE)

6. Staff recommends motion to:

A) adopt a Resolution authorizing the Chairman to sign the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for partial reimbursement funding of \$120,000 to Unincorporated Area Only Trees Irrigation and Sod (O.T.I.S.) for Forest Hill Boulevard from west of Sherwood Forest Boulevard to Florida Mango Road;

B) approve a JPA with the FDOT for partial reimbursement funding of \$120,000 to O.T.I.S. for Forest Hill Boulevard O.T.I.S. from west of Sherwood Forest Boulevard to Florida Mango Road;

C) approve a Budget Transfer of \$375,000 in the Transportation Improvement Fund from O.T.I.S. to Forest Hill Boulevard O.T.I.S. from west of Sherwood Forest Boulevard to Florida Mango Road; and

D) approve a Budget Amendment of \$120,000 in the Transportation Improvement Fund to recognize the JPA with the FDOT and appropriate it to Forest Hill Boulevard O.T.I.S from west of Sherwood Forest Boulevard to Florida Mango Road.

SUMMARY: This item provides funding in the amount of \$495,000 for the installation of O.T.I.S. on Forest Hill Boulevard from west of Sherwood Forest Boulevard to Florida Mango Road. This funding comes from the Transportation Improvement Fund. Districts 2 & 3 (MRE)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement in the amount of \$382,800, including attorney's fees, but excluding costs, in the eminent domain action styled Palm Beach County v. Michael Martin, et al., Case No. 502005CA006339XXXXMB, for the taking of five (5) acres in Indian Lake Estates. **SUMMARY:** The County has negotiated a settlement for Parcel 20 in the Indian Lake Estates subdivision, in the amount of \$382,800, including attorney fees, but excluding costs, subject to the approval of the Board of County Commissioners. The attorney fees in the amount of \$52,800 were calculated mathematically pursuant to Florida law. The County's initial good faith offer in the amount of \$170,000 was previously deposited into the Registry of the Court. If the Board approves this settlement, the County would be required to pay an additional \$212,800 inclusive of attorney fees, but excluding costs to finalize this settlement. District 6 (PM)
2. **Staff recommends motion to approve:** the Contract for Legal Representation between the Housing Finance Authority of Palm Beach County (the "Authority") and Greenberg Traurig, P.A. for Greenberg Traurig, P.A. ("Greenberg") to serve as general counsel to the Authority. **SUMMARY:** The Authority's general counsel ("Prior Counsel"), resigned from its position on August 18, 2006. The Authority has determined that, under the similar fee arrangement offered by Greenberg for the services previously provided by Prior Counsel, it would be cost effective and in the best interests of the Authority to enter into a Contract for Legal Representation with Greenberg. Approval of this Contract by the Board will ensure the continued legal representation of the Authority by Greenberg following Prior Counsel's resignation. This Contract has been reviewed and approved by the Authority. Board approval of this Contract is required by the Ordinance governing the Authority. Countywide (PFK)
3. **Staff recommends motion to adopt:** a Resolution declaring that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with Indian Trail Improvement District prior to court proceedings. **SUMMARY:** This action will declare that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with Indian Trail Improvement District prior to filing litigation to enforce the County's right to a decision on requested permits, and the County's right to public records. District 6 (ATP)
4. **Staff recommends motion to approve:** a Second Amended Agreement for legal services regarding underground injection control rules and permits with de la Parte & Gilbert, P.A. The Second Amended Agreement revises the contract provisions relating to travel reimbursement. **SUMMARY:** The Second Amended Agreement allows the law firm of de la Parte & Gilbert, P.A. to provide legal services regarding administrative and judicial proceedings involving recent rule amendments promulgated by the United States Environmental Protection Agency and the Florida Department of Environmental Protection and associated permit proceedings relating to the State and Federal Underground Injection Control Program, and amends the contract provisions relating to travel reimbursement. Countywide (ATP)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** six (6) Amendments to Ryan White Title I health support services contracts for the period March 1, 2006, through February 28, 2007 totaling \$563,048:

A) Amendment No. 1 to contract (R2006-1085; dated April 4, 2006) with Palm Beach County Health Department to increase funding by \$50,487 for a total not-to-exceed amount of \$2,073,863;

B) Amendment No. 1 to contract (R2006-1084; dated April 4, 2006) with Palm Beach County Health Care District to increase funding by \$60,000 for a total not-to-exceed amount of \$941,010;

C) Amendment No. 3 to contract (R2006-1079; dated April 4, 2006) with Comprehensive Community Care Network, Inc. to increase funding by \$202,561 for a total not-to-exceed amount of \$1,057,070;

D) Amendment No. 1 to contract (R2006-1078; dated April 4, 2006) with Comprehensive AIDS Program, Inc. to increase funding by \$150,000 for a total not-to-exceed amount of \$2,691,891;

E) Amendment No. 3 to contract (R2006-1077; dated April 4, 2006) with Compass, Inc. to increase funding by \$70,000 for a total not-to-exceed amount of \$475,493; and

F) Amendment No. 2 to contract (R2006-1086; dated April 4, 2006) with Treasure Coast Health Council, Inc. to increase funding by \$30,000 for a total not-to-exceed amount of \$607,163.

SUMMARY: Carryover funds have been granted from the U.S. Department of Health and Human Services under the Ryan White C.A.R.E. Act. The Priorities and Allocations Committee of the HIV Care Council has determined that the carryover funding of \$563,048 is to be allocated to increase services to Palm Beach County Health Department for outpatient primary care and laboratory/diagnostic; Palm Beach County Health Care District for local/AIDS Drugs Assistance Program (ADAP); Comprehensive Community Care Network, Inc. for home health care, food bank/home delivered meals, transportation and direct emergency; Comprehensive AIDS Program, Inc. for case management; and Compass, Inc. for case management, transportation and direct emergency. No County funds are required. (Ryan White) Countywide (TKF)

2. **Staff recommends motion to approve:** Consulting /Professional Services Contract with Multilingual Psychotherapy Centers, Inc., in an amount not-to-exceed \$26,000 for the period October 1, 2006, through September 30, 2007. **SUMMARY:** Multilingual Psychotherapy Centers, Inc. will provide mental health services to Head Start children and their families. Funding consists of \$20,800 (80%) in Federal funds and \$5,200 (20%) in County funds. The County's portion is included in the FY 2007 budget. County obligations under this contract are subject to budget approval. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to approve:

A) Amendment No. 002 to Standard Agreement No. IP006-9500 (R2006-0761; dated May 2, 2006) for the Emergency Home Energy Assistance for the Elderly (EHEAP) Program with the Area Agency on Aging of the Palm Beach/Treasure Coast, Inc. (AAA) for the period March 1, 2006, through March 31, 2007 to increase the agreement by \$46,096 for an amount not-to-exceed \$96,274 for crisis and outreach benefits for the elderly; and

B) Budget Amendment of \$46,096 in DOSS – Administration.

SUMMARY: The original agreement (R2006-0761; dated May 2, 2006) in the amount of \$50,178 enabled the Division of Senior Services (DOSS) to provide crisis benefits to 157 eligible low-income households who meet 150% of the Federal Poverty Guidelines, have a least one (1) person age 60 years or older, and are experiencing a home energy emergency. Amendment No. 001 (R2006-1244; dated July 11, 2006) increased the maximum household EHEAP crisis benefit from \$300 to \$400 per season with no change in funding. This Amendment will increase crisis benefits by \$31,647 and outreach benefits by \$14,449, which will enable DOSS to provide emergency assistance to approximately 196 eligible low-income households. This Amendment was received by DOSS on August 25, 2006. (DOSS) Countywide except for portions of Districts 3, 4, 5 & 7 south of Hypoluxo Road (TKF)

F. AIRPORTS

1. Staff recommends motion to adopt: a Resolution authorizing the County Administrator or his designee to execute applications for Airport Improvement Program (AIP) grants and standard form grant agreements with the Federal Aviation Administration (FAA). **SUMMARY:** On occasion, the FAA provides less than thirty (30) days to execute and return offers for AIP grant funding. Approval of this Resolution by the Board of County Commissioners (BCC) authorizes the County Administrator or his designee to execute applications for AIP grant funds and standard form AIP grant agreements. This Resolution repeals the form approved pursuant to Resolution R93-801 and authorizes the execution of the modified FAA grant agreement forms. Approval of this Resolution will eliminate delays caused by requiring such items to be brought before the BCC for approval and is consistent with the goal of the BCC to expedite the agenda process. Countywide (LMB)

2. Staff recommends motion to adopt:

A) Resolution to amend the Palm Beach County Airport Rules and Regulations to provide for non-commercial self-service fueling operations; providing for inclusion in the Code of Laws and Ordinances; and

B) Resolution approving a standard form Non-Commercial Self-Service Fueling Permit, authorizing the County Administrator or his designee to execute the permit on behalf of the Board of County Commissioners.

SUMMARY: The Department of Airports requests amending the Palm Beach County Airport Rules and Regulations, Appendix B, Palm Beach County Code (Resolution No. R98-220), to provide for self-service fueling regulations; and approving a standard form Non-Commercial Self-Service Fueling Permit to be executed by the County Administrator or his designee. The permit will cover self-fueling at North County General Aviation, Palm Beach County Park and Palm Beach County Glades Airports. Permit holders will be required to pay annual permit fees, flowage fees and adhere to all regulatory measures, including safety and environmental regulations. Countywide (LMB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve:

A) a Fiscal Year 2006 Budget Amendment of \$5,500,00 in the Airport Operations Fund to recognize additional revenues and transfers, including a transfer from Reserves of \$2,122,118, and,

B) a Fiscal Year 2006 Budget Amendment of \$7,622,118 in the Airports Improvement and Development Fund to recognize the transfer from the Airport Operations Fund.

SUMMARY: In accordance with the Revenue Bond Resolution, the Department is required to transfer excess net revenues from the Operations Fund to the Improvement and Development Fund after all other fiscal obligations are satisfied. The Budget Amendments will allow for the transfer of the unanticipated increase in net revenues. Fiscal Year 2006 net revenues were greater than originally budgeted due to savings in debt service cost attributed to the recent bond refunding, increased parking revenues, increased car rental revenues, and increased rental revenue from commercial customers. Countywide (LMB)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: the write-off of 680 uncollected Non-Sufficient Funds checks with a total face value of \$53,123.95, plus County added service fees of \$1,300 for a cumulative total of \$54,423.95. **SUMMARY:** The Office of Financial Management and Budget's Collections Coordinator has reviewed the listings of uncollected Non-Sufficient Funds (NSF) checks received by the Finance Department during the fiscal years of 1979 through 1989 and 2000 through 2003 and has concluded that they should be written off the County's active Advantage accounts receivable ledger. These checks were for various County programs and services that patrons received. All Collections efforts to recover these funds have been exhausted. The write-off of these receivables to an uncollectible receivables database is not a forgiveness of the debt and if the opportunity to collect on any of these checks should arise, the County will take appropriate action to collect on same. The approval of this item will allow the County's Finance Division to remove these receivables from the County's active Advantage accounts receivable ledger and transfer them to an uncollectible debts database. Countywide (PM)

2. Staff recommends motion to approve:

A) Budget Amendment of \$8,160,000 in the \$10 Million Sunshine Loan South County Golf Course 2006 Capital Fund to record loan proceeds, capital projects, cost of issuance and transfers to debt service and debt service reserve funds for the \$10 Million Sunshine Loan for the South County Golf Course;

B) Budget Amendment of \$4,080 in the \$10 Million Sunshine Loan South County Golf Course 2006 Debt Service Fund to record the transfer of reserves for future debt service payments from the \$10 Million Sunshine Loan South County Golf Course 2006 Capital Fund; and

C) Budget Amendment of \$139,502 in the \$10 Million Sunshine Loan South County Golf Course 2006 Debt Service Reserve Fund to record the transfer of reserves for future debt service payments from the \$10 Million Sunshine Loan South County Golf Course 2006 Capital Fund.

SUMMARY: On June 20, 2006, the Board approved the \$10 Million Sunshine State Governmental Financing Commission Loan for the purpose of acquiring, constructing and erecting certain capital improvements for the South County Regional Park Golf Course. The Sunshine State Governmental Financing Commission Board of Directors approved the Loan on July 7, 2006. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** an annual Contract with Farmer & Irwin Corporation in an amount not-to-exceed \$1,000,000 as one (1) of eight (8) approved HVAC contractors for installation, repair and/or replacement of HVAC systems on an “as-needed” basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders is issued among the pool of approved HVAC contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor’s certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of eight (8) HVAC contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)
2. **Staff recommends motion to approve:** an annual Contract with Kerney & Associates, Inc. in an amount not-to-exceed \$1,000,000 as one (1) of eight (8) approved HVAC contractors for installation, repair and/or replacement of HVAC systems on an “as-needed” basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders is issued among the pool of approved HVAC contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor’s certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of eight (8) HVAC contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)
3. **Staff recommends motion to approve:** an annual Contract with Precision Air Systems, Inc. in an amount not-to-exceed \$1,000,000 as one (1) of eight (8) approved HVAC contractors for installation, repair and/or replacement of HVAC systems on an “as-needed” basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders is issued among the pool of approved HVAC contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor’s certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of eight (8) HVAC contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. **Staff recommends motion to approve:** an annual Contract with York International/A Johnson Controls Company in an amount not-to-exceed \$1,000,000 as one (1) of eight (8) approved HVAC contractors for installation, repair and/or replacement of HVAC systems on an “as-needed” basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders is issued among the pool of approved HVAC contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor’s certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of eight (8) HVAC contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)

5. **Staff recommends motion to approve:** an annual Contract with Stokes Mechanical Contractors, Inc. in an amount not-to-exceed \$1,000,000 as one (1) of eight (8) approved HVAC contractors for installation, repair and/or replacement of HVAC systems on an “as-needed” basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders is issued among the pool of approved HVAC contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor’s certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of eight (8) HVAC contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)

6. **Staff recommends motion to approve:** Amendment No. 2 to contract with Engineered Environments, Inc. (R2005-0539) to implement the second renewal of Job Order Contract-South with a maximum value of \$1,000,000. **SUMMARY:** This agenda item is a renewal to the Job Order Contract-South which was awarded to Engineered Environments, Inc. The contractor will continue to perform as an “annual general contractor” for implementation of maintenance and capital projects. This Job Order Contract (JOC) is an indefinite-quantity contract and this renewal has a maximum value of \$1,000,000. The renewal term is twelve (12) months or until \$1,000,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on pending work which would exceed the value assigned to the contract. All terms of the original contract remain in effect. This is the second and final extension allowed by the contract. SBE goals for the JOC program are 15% overall. Engineered Environments, Inc.’s participation, for work orders issued-to-date, is 21.0% overall. (FD&O Admin) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

7. **Staff recommends motion to approve:** Amendment No.1 to contract with S&F Construction, Inc. (R2005-1871) to implement the first renewal of an annual pavilions, shelters and sheds contract with a maximum value of \$400,000. **SUMMARY:** This agenda item is a renewal to the Annual Contract–Pavilions, Shelters and Sheds which was awarded to S&F Construction, Inc. The contractor will continue to perform as an annual pavilion contractor for various pavilion projects. This annual pavilions contract is an indefinite-quantity (work orders) contract and this renewal has a maximum value of \$400,000. The renewal term is twelve (12) months or until \$400,000 in work orders are issued. Staff is bringing forward the Amendment at this time based on expiration of the term. All terms of the original contract remain in effect. This is the first of four (4) extensions allowed by the contract. SBE participation goals are 15%. S&F Construction, Inc.'s participation, for work orders issued-to-date, is 68.51%. (FD&O Admin) Countywide (JM)
8. **Staff recommends motion to approve:** Amendment No. 1 to the annual contract for Library Expansion Program with Pierce Goodwin Alexander & Linville, Inc. (PGAL) (R2003-1753) for professional consulting services on a continuing contract basis. **SUMMARY:** PGAL was selected to provide professional consulting services for the Library Expansion Program on a continuing contract basis. The Board approved an annual contract on October 21, 2003. The original contract provided for an initial three (3) year term with two (2) - one (1) year renewal options. This Amendment would provide for services during the first renewal period. PGAL has an SBE participation goal of 15%. During the first three (3) years of the contract, PGAL has achieved 18.2% participation. (Capital Improvements Division) Countywide (JM)
9. **Staff recommends motion to approve:** Change Order No. 2 to Amendment No. 5 with The Weitz Company (R2005-2235) for the Hagen Ranch Road Library in the deduct amount of \$121,164. **SUMMARY:** This Change Order is the result of decreases in the cost of clearing, rough grading and landscape work on the Phase I construction work. This deduct to the contract is to return unused contingency to the County. The SBE goal for this contract is 15%. There is 0% SBE participation in the Change Order and in the original amendment. (Capital Improvements Division) District 5 (JM)
10. **Staff recommends motion to approve:** First Amendment to the agreement with the Town of Juno Beach (R2002-0764), allowing for interoperable communications through the countywide common groups of the County's 800 MHz Radio System. **SUMMARY:** The agreement with Juno Beach, which provides the terms and conditions under which Juno Beach can program into its radios and utilize the countywide common talk groups for certain types of inter-agency communications, will expire on May 21, 2007. The agreement provides for three (3) - five (5) year renewals, but renewals require approval by both parties. Juno Beach has approved a renewal to extend the term of the Agreement until May 21, 2012. The renewal now requires Board approval. The terms of the Agreement are standard and have been offered to all municipalities and local branches of federal agencies with 800 MHz trunked radio capabilities. There are no charges associated with this agreement. Juno Beach is required to pay all costs associated with subscriber units and to comply with the established operating procedures for the system. The agreement may be terminated by either party, with or without cause. (FDO/ESS) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

11. Staff recommends motion to approve:

A) Contract with Malphrus Construction Company, Inc., doing business as Malphrus Golf for the construction of South County Regional Park Phase II - Golf Course in the amount of \$7,600,000; and

B) Change Order No. 1 revising the date specific interim milestone and the construction period to match the construction award notice to proceed date.

SUMMARY: This Contract for South County Regional Park Phase II - Golf Course will authorize construction of a twenty-seven (27) hole golf course including finish earthwork and grading, top dressing, irrigation, grassing, landscaping and construction of two (2) on-course comfort stations. Change Order No. 1 will revise the date specific interim milestones and construction period to reflect the current construction award as the contract was originally bid for a March 15, 2006 notice to proceed date. The overall construction duration has increased to allow for an earlier start but the sequencing of the interior milestone remains the same. The contract time is 300 days to substantial completion. A water use permit has been applied for, but not issued by SFWMD, but work under this Contract can begin without this permit and will not become a critical path item until March 2007, however staff is aggressively pursuing a solution to the complex technical issues with the South Florida Water Management District. The SBE goal for this project is 15%. The bid of Malphrus Golf includes 16.4% participation. (Capital Improvements Division) District 5 (JM)

12. Staff recommends motion to approve: Change Order No. 37 to the contract with Catalfumo Construction, Ltd. (R2002-1867) in the amount of \$31,615.20. **SUMMARY:** On October 22, 2002, the Board entered into a contract with Catalfumo Construction, Ltd. for preconstruction services for the Vista Center Office Building, n/k/a the 2300 Building. Subsequent amendments to this contract provided for construction services. This Change Order provides for the installation and electrical connection of an owner-furnished UPS, bypass switch, electrical panel and 25 new circuits in the 4th floor Main PBX Telephone Room. Change Order No. 37 must be approved by the Board of County Commissioners because this Change Order, when combined with previous approvals, would exceed the combined authority of the Contract Review Committee and Department Director for cumulative total amount of change orders. The work has been completed by the contractor prior to approval of this Change Order by the Board. The M/WBE participation for this proposed Change Order is 0%. The goal for this project is 25% and when combined with previous change orders, the total participation is 28.8%. (Capital Improvements Division) Countywide/District 3 (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

13. **Staff recommends motion to approve:** Consultant Services Authorization (CSA) No. 3 to the contract with Pulitzer/Bogard & Associates LLC. to perform programming and schematic services for the Palm Beach County Jail Expansion Program 2 for the fixed fee amount of \$327,300. **SUMMARY:** Pursuant to a needs assessment, and a CCNA selection process, the Director of Facilities Development & Operation (FD&O) on behalf of the County entered into a contract with Pulitzer/Bogard for data collection preliminary programming services for the Jail Expansion Program 2. CSA No. 1 to that contract was approved by the Board (R2005-1340) on June 21, 2005 for additional planning services. This Authorization provides program development and implementation and schematic design support for the project. These services will set the foundation for design based on their knowledge of the operation functionality and facility conditions, and their work is being coordinated with the project's design team. Pulitzer/Bogard will provide 0% SBE participation in this Authorization. The contract goal is 15%. The services being provided by Pulitzer/Bogard are highly specialized and all the services will be self-performed. (Capital Improvements Division) Countywide/District 2 (JM)
14. **Staff recommends motion to approve:** an annual Contract with Siemens Building Technologies in an amount not-to-exceed \$1,000,000 as one (1) of eight (8) approved HVAC contractors for installation, repair and/or replacement of HVAC systems on an "as-needed" basis for projects typically under \$100,000 each. **SUMMARY:** This Contract is for one (1) year and is an indefinite-quantity contract with a maximum value of \$1,000,000. The Contract will terminate when a total of \$1,000,000 in work orders is issued among the pool of approved HVAC contractors or when the one (1) year time period has expired, whichever occurs first. The Contract provides for up to four (4) - one (1) year renewals, each for a not-to-exceed amount of \$1,000,000 at the sole option of the County. Staff will review the status of the contractor's certifications annually, prior to renewal, to ensure the firm remains qualified under the original pre-qualification criteria. The work is to be awarded as work orders on a lump-sum, competitively quoted basis among the pool of eight (8) HVAC contractors. Any work performed will be in accordance with the Contract. The specific magnitude of the work shall be determined by individual work orders issued by Palm Beach County. The goal for SBE participation is 15% overall, and will be tracked cumulatively for each work order issued. (FD&O Admin) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** Amendment No. 001 to an agreement (R2005-2345) with the City of Greenacres, to extend the expiration date from September 30, 2006, to December 31, 2006, for the expenditure of \$100,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of three (3) months to the term of the existing agreement for the construction of street improvements on Walker, Perry, and Broward Avenues, between 10th Avenue North and the Lake Worth Drainage District L-10 Canal, in the City of Greenacres. The work includes the construction of storm drainage, sidewalks, street lighting, and the paving and restoration of the existing roadway and driveway connections damaged by this new construction. The time extension is requested in order to allow: the completion of construction work, the completion of punch list items, and the processing of the final payment to the contractor. **These are Federal funds that require no local match.** District 2 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. **Staff recommends motion to approve:** Amendment No. 001 to an agreement (R2005-2343) with the City of Riviera Beach, to extend the expiration date from September 30, 2006, to June 30, 2007, for the expenditure of \$240,000 in Community Development Block Grant (CDBG) funds. **SUMMARY:** The Amendment provides an extension of nine (9) months to the term of the existing agreement for the construction of street improvements on West 30th and 31st Streets between Avenue 'R' and Avenue 'S' in the City of Riviera Beach. The street improvements will include paving, sidewalks, curbs, gutters, storm water drainage and landscaping. Bids for the project have been received, and a construction contract for \$481,193 has been awarded. The \$240,000 funded by the County will go towards the construction contract, and the City of Riviera Beach will fund the shortfall of \$241,193, as well as the engineering costs. The time extension is requested to make up time for receiving, reviewing, and awarding bids, to allow for possible delays due to the hurricane season, and to allow adequate time to complete construction. **These are Federal funds that require no local match.** District 7 (TKF)

3. **Staff recommends motion to adopt:** a Resolution approving the Westgate/Belvedere Homes Community Redevelopment Agency's Fiscal Year 2007 budget for its:

A) Redevelopment Trust (Operating) Fund in the amount of \$2,655,479;

B) Construction Fund in the amount of \$6,243,210;

C) Sinking Fund in the amount of \$267,160; and

D) Reserve Fund in the amount of \$271,750.

SUMMARY: On December 1, 1992, the CRA issued Redevelopment Revenue Bonds for \$3,000,000 to construct sewer facilities, roadways, drainage facilities and sidewalks in the redevelopment area. On March 1, 1999, the CRA refunded these bonds and issued Redevelopment Revenue Refunding Bonds for \$3,380,000. The CRA will meet its obligation and not require a loan from the County. District 2 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to receive and file: three (3) Agreements for Emergency Generator Purchase, Operation and Maintenance received during the months of May, July and August 2006:

- A) Boca Winds HOA, Inc.
- B) The Polo Club of Boca Raton
- C) Valencia Falls HOA

SUMMARY: On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to donate funds to purchase emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These Agreements will increase the number of generators available to the Department during emergencies. Countywide (MJ)

2. Staff recommends motion to receive and file: three (3) Standard Development Agreements and one (1) Standard Development Renewal Agreement complete with executed documents received during the month of August 2006:

Standard Development Agreement

- | | |
|--|--------------|
| A) Haldick Enterprises, Inc. | 02-01112-000 |
| B) Groves Medical Plaza, LLC | 11-01006-001 |
| C) Village Center at Royal Palm Beach, LLC | 13-01016-000 |

Standard Development Renewal Agreement

- | | |
|--------------------------------------|--------------|
| D) Charlse/Watt Communities II, Inc. | 09-01022-R03 |
|--------------------------------------|--------------|

SUMMARY: The terms and conditions for Standard Development Agreements are outlined in the Water Utilities Department's Uniform Policies and Procedures Manual. The Board of County Commissioners delegated the authority to execute various types of Standard Development Agreements to the Department Director including potable water and wastewater agreements (R93-1619); reclaimed water agreements (R96-0228); and additional conditions for potable water, wastewater, and reclaimed water agreements (R2003-0539). After these agreements are executed by the developer and the Department, they must be recorded by the County Clerk's Office. This agenda item recommends the Board receive and file the agreements so they may be properly recorded. Countywide (SF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve: two (2) Pipeline Crossing Agreements with CSX Transportation, Inc. for construction of utility pipelines across an existing railroad right-of-way. **SUMMARY:** The Department is in the process of constructing a network of water and wastewater transmission mains to serve the Beeline Community Development District. Construction of the Phase III Northern Region Utility Improvement Project necessitates installing both water and wastewater pipelines at two (2) separate locations within CSX Transportation's railroad right-of-way. The first crossing is located along the South Florida Water Management District C-18 Canal near the intersection with State Road 710 (on the south side). The other crossing is located along Innovation Drive, just west of State Road 710. During the Department's utility coordination efforts, CSX Transportation requested the County execute a separate Pipeline Crossing Agreement for each location. These Agreements require the County to reimburse CSX a license fee of \$16,000 (\$4,000 per pipeline), plus a Railroad Protective Liability Insurance Fee (\$4,500 per agreement), for a total of \$25,000. Both Agreements have a term of 25 years. (WUD Project No. 05-061) District 1 (MJ)

4. Staff recommends motion to approve:
 - A) Change Order No. 1 with GlobeTec Construction, LLC for the Lake Region Water Treatment Plant (LRWTP) Transmission System in the deductive amount of \$4,663,128.08, deleting materials for the purpose of sales tax recovery along with cost saving changes and designating GlobeTec Construction, LLC, as the County's agent for the inspection and receipt of the materials and equipment; and
 - B) Purchase Orders with vendors of the materials and equipment for sales tax recovery in the amount of \$3,612,869.21.

SUMMARY: On September 12, 2006, the Board awarded a contract with the GlobeTec Construction, LLC (R2006-1949) for the Lake Region Water Treatment Plant (LRWTP) Transmission System in the amount of \$14,790,815. Change Order No. 1 provides for savings of \$833,436.72 related to changes in materials and construction methods. Purchasing the associated materials directly from the vendors can achieve an additional sales tax savings of \$216,822.15. GlobeTec Construction, LLC has agreed to serve as the County's agent for the inspection and receipt of the equipment and materials at no additional cost. The total savings associated with Change Order No. 1 is \$1,050,258.87. (WUD Project No. 03-169) District 6 (JM)

5. Staff recommends motion to approve: a Utility Easement Agreement with Cingular Wireless PCS, LLC. **SUMMARY:** Central Baptist Church has requested utility service for a new facility to be constructed on the south side of Gun Club Road, east of Military Trail. The Department has adequate utilities along Gun Club Road to serve the church. However, a utility easement is required because Cingular Wireless PCS, LLC owns the tract of land between the church and the existing utilities as recorded in O.R. Book 7050, Page 1696 of the Public Records. Cingular Wireless PCS, LLC has agreed to provide the Department with a utility easement to ensure legal access is maintained for the pipeline extensions needed to serve the church. Cingular has provided this Utility Easement Agreement at no cost to the County. This Agreement will continue in effect in perpetuity. (WUD Project No. 06-171) District 2 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Staff recommends motion to approve:** a Budget Amendment of \$75,000 in the Natural Areas Fund to establish a revenue budget for the Florida Department of Environmental Protection (DEP) Task Assignment No. SE-110 for exotic plant removal at the Pine Glades Natural Area. **SUMMARY:** Task Assignment No. SE-110 to DEP Contract No. SL898 (R2001-0772) for \$75,000 has been received from DEP, effective August 7, 2006 through May 31, 2007, for exotic plant control in the Pine Glades Natural Area. This item will establish budget for the Task Assignment. District 1 (SF)
2. **Staff recommends motion to approve:** Interlocal Agreement with the Town of Palm Beach (Town) for the continued operation and maintenance of the Lake Worth Inlet Sand Bypassing Plant. **SUMMARY:** The new Interlocal Agreement provides for the daily operation and maintenance of the Lake Worth Inlet Sand Bypassing Plant but also acknowledges the future renovation of the plant. The Interlocal Agreement supersedes and terminates the two (2) prior agreements dated July 19, 1994 (R94-907D) and August 16, 1994 (R94-1053D) and all amendments, which expire on September 30, 2006 and September 30, 2024, respectively. The term of this Agreement is from October 1, 2006 to September 30, 2016. District 1 (SF)
3. **Staff recommends motion to approve:**
 - A) Amendment No. 2 to Florida Department of Environmental Protection (FDEP) Project Agreement No. 05PB1 (R2004-1740), which provides up to an additional grant amount of \$30,660 for a feasibility study of the Palm Beach County Sand Search; and
 - B) Budget Amendment of \$30,660 in the Beach Improvement Fund to recognize the grant.

SUMMARY: Amendment No. 2 provides for the partial reimbursement of County costs for offshore vibracore surveys and sediment analyses. Under the terms of the Agreement, fifty percent (50%) of the non-Federal project costs could be eligible for reimbursement. The State cost share is increased from \$108,500 to \$139,160. The County's revised share of the project is \$139,160. The Budget Amendment of \$30,660 recognizes the grant revenue and increases reserves as the survey expenditures took place in FY 2005. Districts 1, 4 & 7 (SF)

M. PARKS & RECREATION

1. **Staff recommends motion to approve:** Amendment No. 012 to the Agreement with the School District of Palm Beach County (R94-1661D; dated November 15, 1994) for funding in the amount of \$350,000 to the Middle School After-School Program for the period October 1, 2006, through September 30, 2007. **SUMMARY:** This Amendment provides for the 13th year of funding and program support for the School District of Palm Beach County Middle School After-School Program, increases the number of middle schools from 34 to 35 participating, and increases the funding amount by \$10,000. Each of the 35 middle schools within the district will receive \$10,000 to fund recreation related programs and activities. The recommended distribution of after-school funding for 2006-2007 is provided as an attachment to this item. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. **Staff recommends motion to approve:** Agreement with The Friends of Sandoway House Nature Center, Inc., for the period October 3, 2006, through February 22, 2008, in an amount not-to-exceed \$10,000 for funding of the Shell Gallery Room addition. **SUMMARY:** This funding is to assist with costs for the Shell Gallery Room addition at the Sandoway House Nature Center. This Nature Center serves approximately 10,000 guests annually from local schools, youth organizations, and public visitors of all ages from Palm Beach, Broward, and Martin counties. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to November 11, 2005. Funding is from the Recreation Assistance Program (RAP). District 4 (AH)
3. **Staff recommends motion to approve:** Agreement with Wellington All-Star Cheer and Dance Association, Inc., for the period October 3, 2006, through January 26, 2007, in an amount not-to-exceed \$5,500 for funding of the purchase of uniforms for the Wellington Jaguars. **SUMMARY:** This funding is to help offset costs incurred by Wellington All-Star Cheer and Dance Association, Inc., for the purchase of cheerleading uniforms for the Wellington Jaguars. This youth sports program serves approximately 70 participants. The Agreement allows for the reimbursement of eligible pre-Agreement expenses incurred subsequent to July 8, 2006. Funding is from the Recreation Assistance Program (RAP). District 6 (AH)
4. **Staff recommends motion to receive and file:** the following original executed Request for Funding Forms for School Board Recreation Assistance Program (RAP) projects:
 - A) Wellington Community High School – Wrestling Team expenses, in an amount not-to-exceed \$1,200 - District 6; and
 - B) Seminole Ridge Community High School – Athletic Department expenses, in an amount not-to-exceed \$4,860 – District 6.**SUMMARY:** These fully executed Request for Funding Forms are for School Board RAP allocations made in accordance with the Interlocal Agreement for the funding of RAP Projects (R2003-1747) approved by the Board on October 21, 2003. District 6 (AH)
5. **Staff recommends motion to receive and file:** the following original executed Amendment to Request for Funding Form for School Board Recreation Assistance Program (RAP) project:

Galaxy Elementary School Music Program (R2006-0487) to extend the project completion date from June 30, 2006, to September 30, 2006, and to expand the project elements list within the approved scope of the project – District 7.

SUMMARY: This fully executed Amendment to Request for Funding Form is being processed in accordance with the Interlocal Agreement for the Funding of Recreation Assistance Program (RAP) Projects (R2003-1747) approved by the Board on October 21, 2003. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. Staff recommends motion to receive and file: the executed Independent Contractor Agreements received during the month of August:

A) Evan Reif, Synchronized Swim Team Manager, Aqua Crest Pool (REIF57030806530300D);

B) Evelyn Dowling, Synchronized Swimming Coach, Aqua Crest Pool (DOWL1060300806530300A); and

C) James Grice, Basketball Official, West Boynton Park & Recreation Center (GRI163020806525200A).

SUMMARY: In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. These Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners by the County Administrator/Director of the Parks and Recreation Department in accordance with Resolution R94-422, amended by Resolution R02-2103, and are now being submitted to the Board for receive and file. Countywide (AH)

7. Staff recommends motion to:

A) **ratify** the signature of the Chairman of the Board of County Commissioners on a Florida Recreation Development Assistance Program (FRDAP) Grant Application, submitted to the State of Florida Department of Environmental Protection (DEP) on September 1, 2006, requesting \$200,000 for the Phase 2 development of the Glades Pioneer Pool and Splash Park to be matched with \$200,000 from the 2002 Cultural and Recreation Facilities Bond;

B) **authorize** the County Administrator or his designee to execute the grant project agreement and all future time extensions, task assignments, necessary minor amendments, and any other necessary forms and certifications during the term of the Agreement that do not change the scope of work or terms and conditions of the Agreement if the grant is approved; and

C) **authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with the DEP for this project.

SUMMARY: The application requests \$200,000 from FRDAP toward the Phase 2 development of Glades Pioneer Pool and Splash Park. The Phase 2 development project includes construction of a bike trail, spray playground, restroom, family picnic facilities, tether ball, four square court and renovations of the existing parking lot and lighting. District 6 (AH)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEM SERVICES

1. Staff recommends motion to:

A) approve the assignment of a professional services contract with Russell Craig Anderson (R2006-1155) to Anderson Solution Focus, LLC, a Kentucky Limited Liability Company; and

B) receive and file the Third Amendment to the professional services contract with Russell Craig Anderson executed by the County Administrator by authority granted under agenda item (3U-2) approved at the June 20, 2006, Board of County Commissioners meeting extending the contract period through December 31, 2006 and increasing the contract amount by \$23,000 to a total of \$54,800.

SUMMARY: The County is completing the implementation of the Justice Information System (JIS) Criminal and Traffic modules. Information System Services (ISS) entered into a contract with Russell Craig Anderson on March 26, 2006 (R2006-1155) to provide the JIS project with critical resource continuity to assist in the final conversion process scheduled for later this year. The Third Amendment to the professional services contract was executed by the County Administrator on July 27, 2006, by authority granted under agenda item (3U-2) approved at the June 20, 2006 Board of County Commissioners meeting, extending Mr. Anderson's contract through December 31, 2006, bringing the total contract amount to \$54,800. Mr. Anderson is requesting consent to the assignment of his professional services contract to the newly formed Anderson Solution Focus, LLC, a Kentucky Limited Liability Company. Countywide (PFK)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) approve a Contract with the Legal Aid Society of Palm Beach County, Inc. to provide legal services to the indigent citizens of Palm Beach County in the area of family law, elder law, juvenile advocacy, education advocacy, public guardianship and domestic violence representation in the amount not-to-exceed \$1,027,808 from October 1, 2006 to September 30, 2007; and

B) authorize the County Administrator or his designee to sign future contracts with the Legal Aid Society of Palm Beach County, Inc., that does not exceed the BCC approved budget for the program.

SUMMARY: Pursuant to Article V changes of 2004, the Board of County Commissioners is required to fund a legal aid program. The Legal Aid Society of Palm Beach County, Inc., has historically provided these services which were funded from filing fees. Changes to Article V that became effective July 1, 2004 eliminated these filing fees and authorized the imposition of mandatory court costs to supplement the cost of the legal aid program. This Contract will ensure the seamless continuation of legal aid services. This is the third year of the contract with Legal Aid Society of Palm Beach and contract amount has remained unchanged. Countywide (DW)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) approve a standard contract for Post-Doctoral Externships which will allow the Division of Youth Affairs to contract with individuals seeking training and experience in family and youth counseling to obtain state licensure; and

B) authorize the County Administrator or his designee to execute the contracts on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations.

SUMMARY: The Division of Youth Affairs is an authorized counselor training facility for many state colleges and universities offering degrees in social work, counseling, etc. Doctoral programs require post-graduate work in order to meet degree and licensing requirements. The Division is offering its program as a location to obtain this training through this contract process. The Division offers a maximum annual stipend to two (2) trainees at \$25,000 each. Countywide (DW)

3. Staff recommends motion to receive and file:

A) Declaration of Local State of General Emergency; and

B) Evacuation Order issued for Tropical Storm Ernesto.

SUMMARY: On August 28, 2006, Palm Beach County declared a Local State of General Emergency due to the impending arrival of Tropical Storm Ernesto. The Declaration of Local State of General Emergency began at 12:00p.m. on August 28, 2006 and continued for seven (7) days. Declaring a local state of general emergency also enabled the County Administrator to carry out the provisions of Chapter 252, Florida Statutes, which includes the authority to order evacuations from threatened areas of the County. A voluntary evacuation order was signed and took effect at 2:00p.m., August 29, 2006 and remained in effect for the duration of the general emergency. Countywide (DW)

AA. PALM TRAN

1. Staff recommends motion to approve: an Interlocal Agreement with the South Florida Regional Transportation Authority (SFRTA) to provide \$4,159,000 in Fiscal Year 2007 as Palm Beach County's share of SFRTA's net operating cost. **SUMMARY:** Palm Beach County is statutorily required to contribute annually not less than \$1,565,000 to SFRTA's operating budget. SFRTA's FY '07 budget reflects a net operating cost in excess of this amount. Palm Beach County's share of these excess operating costs is \$2,594,000. The Agreement also provides for SFRTA to reimburse Palm Beach County for Tri-Rail feeder bus service in the amount of \$666,666.66. Palm Beach County has included this amount in its FY '07 budget. Countywide (DR)

2. Staff recommends motion to approve: an Interlocal Agreement with the Village of Wellington to reimburse, in part, Palm Beach County (the County) for the delivery of door-to-door transportation services to Wellington residents with disabilities in an amount not-to-exceed \$40,000 for the period October 1, 2006, through September 30, 2007. **SUMMARY:** This Interlocal Agreement with the Village of Wellington will provide paratransit services to residents no longer eligible for Americans with Disabilities Act (ADA) paratransit services. This Agreement takes effect October 1, 2006 and expires September 30, 2007, in an amount not-to-exceed \$40,000. Countywide (DR)

* * * * *

4. SPECIAL PRESENTATIONS - 9:30 A.M.

- A. Proclamation declaring the month of October 2006 as “Domestic Violence Awareness Month” in Palm Beach County (Sponsored by Commissioner Koons)

- B. Proclamation declaring October 1 - 7, 2006 as “National 4-H Week” in Palm Beach County (Sponsored by Commissioner Koons)

- C. Proclamation declaring October 12, 2006 as “Discover After-School Day” in Palm Beach County (Sponsored by Commissioner Greene)

- D. Proclamation declaring October 7, 2006 as “Head Start/Early Head Start Reunion and Awareness Day” in Palm Beach County (Sponsored by Commissioner Greene)

- E. Proclamation declaring the week of October 2 - 6, 2006 as “Professional Legal Management Week” in Palm Beach County (Sponsored by Commissioner Newell)

- F. Proclamation declaring the weekends of October 13 - 15 and 20 - 22, 2006 as “Oktoberfest” in Palm Beach County (Sponsored by Commissioner Newell)

- G. Proclamation declaring October 10, 2006 as “Put the Brakes on Fatalities Day” in Palm Beach County (Sponsored by Commissioner McCarty)

- H. Proclamation declaring October 19, 2006 as “Conflict Resolution Day” in Palm Beach County (Sponsored by Commissioner Marcus)

- I. Proclamation honoring the “Coalition of Boynton West Residential Associations (COBWRA) on its 25th Anniversary” in Palm Beach County (Sponsored by Commissioner Aaronson)

* * * * *

5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff requests Board direction regarding:

A) the funding method for health insurance premiums for domestic partners of County employees for Plan Year 2007; and

B) the extension of Domestic Partner Continuation of Benefits Coverage (in lieu of COBRA).

SUMMARY: At its October 18, 2005 Board meeting, the Board directed staff to extend health insurance benefits to domestic partners of County employees with the full cost of coverage to be borne by the employee. COBRA benefits were not extended to domestic partners because they are not considered eligible dependents under federal law. The Board directed staff to return in 12-months to revisit the matter. Staff is requesting Board direction on the funding mechanism for domestic partner benefits for plan year 2007, and the extension of continuation of benefits coverage, in lieu of COBRA, for domestic partners that are terminated from the health plan. Countywide (TKF)

B. COUNTY ATTORNEY

1. Staff recommends motion to adopt: a Resolution approving the issuance of not-to-exceed \$20,000,000 Housing Finance Authority of Palm Beach County, Florida, Multi-family Housing Revenue Bonds (Country Lake Apartments Project) (the "Bonds") within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and approving the sale of the Bonds within the meaning of Ordinance No. 2002-022, and providing an effective date. **SUMMARY:** The Bonds are being issued by the Authority to finance the costs of acquiring and rehabilitating an existing 192 unit multi-family rental housing development in Palm Beach County to be occupied by individuals of low or moderate income as required within the meaning of the Code. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 2 (PFK)

5. REGULAR AGENDA

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve on preliminary reading and advertise for public hearing on October 17, 2006 at 9:30 a.m.: an Ordinance of the Board of County Commissioners providing for an ad valorem tax deferral for certain recreational and commercial working waterfront properties; providing for a title; providing for eligibility criteria; providing for application procedures; providing for deferred payment tax certificates; providing for termination of tax deferral; providing for prepayment of deferred taxes; providing for distribution of payment of deferred taxes; providing for construction; providing for penalties; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for captions and providing for an effective date. **SUMMARY:** In 2005, the Florida Legislature enacted FSS 197.303 authorizing counties and municipalities to allow ad valorem tax deferrals for recreational and commercial working waterfronts if the owners are engaging in the operation, rehabilitation, or renovation of such properties. The tax deferral must be authorized by ordinance and would apply only to taxes levied by the government granting the deferral, i.e., the Board of County Commissioners. The deferred taxes would accrue interest at a rate calculated pursuant to Statute, but may not exceed 9.5% per year. The deferrals would not apply to the County's voted debt. On August 15, 2006, the Board directed staff to return with an ordinance to provide for tax deferrals, but to exclude lodging establishments and those working waterfronts located within the boundaries of a CRA. Countywide (PFK)

2. Staff recommends motion to:

A) adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, creating the Palm Beach County Budget Advisory Committee; and

B) appoint Commissioner Warren Newell as Chair.

SUMMARY: On September 12, 2006, the Board directed staff to return with an agenda item establishing a Budget Advisory Committee (BAC) to be comprised of ten (10) representatives, one (1) from each Commission District and one (1) each from the Republican and Democratic Executive Committees. The tenth member will be a County Commissioner who will Chair the BAC. The Board recommended Commissioner Warren Newell. The scope of the BAC will be restricted to projects/programs funded with Countywide ad valorem tax revenues. Countywide (PFK)

5. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

A) accept an Assignment of Option Agreement for Sale and Purchase (Assignment No. 1) from The Conservation Fund, as Trustee of the Conservation Fund Charitable Trust (TCF), for acquisition of approximately three (3) acres of land located along the Loxahatchee River from Thomas C. Whitesell, et al, as Trustees of the Dorothy Whitesell Florida Residential Interest Trust at a purchase price of \$3,600,000;

B) approve the exercise of the Option Agreement for Sale and Purchase (Agreement No. 1) from The Conservation Fund, as Trustee of the Conservation Fund Charitable Trust (TCF), for the acquisition of approximately three (3) acres of land located along the Loxahatchee River from Thomas C. Whitesell, et al, as Trustees of the Dorothy Whitesell Florida Residential Interest Trust at a purchase price of \$3,600,000, subject to satisfactory due diligence;

C) approve TCF's fee for the acquisition of the Whitesell property, which is 1% of the total purchase price, pursuant to TCF's agreement (R99-957D) with the County;

D) accept an Assignment of Option Agreement for Sale and Purchase (Assignment No. 2) from The Nature Conservancy (TNC), for the acquisition of 251.16± acres of land located within the County's Cypress Creek Natural Area from Jupiter Ranch, Inc., a Florida corporation at an amended purchase price of \$90,000 per acre, or \$22,604,400 for 251.16± acres;

E) approve the exercise of the Option Agreement for Sale and Purchase (Agreement No. 2) from The Nature Conservancy (TNC), for the acquisition of 251.16± acres of land located within the County's Cypress Creek Natural Area from Jupiter Ranch, Inc., a Florida corporation, at an amended purchase price of \$90,000 per acre, or a total purchase price of \$22,604,400 for 251.16± acres, subject to satisfactory due diligence and a certified survey which supports the purchase price;

F) approve TNC's reduced negotiated fee for the acquisition of the Jupiter Ranch, Inc. property, which is \$100,000, pursuant to the Assignment No. 2;

G) approve a Budget Transfer of \$8,275,398 in the 1999 \$75 M General Obligation Conservation Land Acquisition Fund from Reserves to the Cypress Creek project account to provide a portion of the purchase price for the Jupiter Ranch property, and for closing, staff and miscellaneous costs related to this property;

H) approve a Budget Transfer of \$7,265,002 in the 2001 \$75M General Obligation Conservation Land Acquisition Fund from Reserves to the Cypress Creek project account to provide a portion of the purchase price for the Jupiter Ranch, Inc. property, and closing, staff and miscellaneous costs related to this property;

I) approve a Budget Transfer of \$7,500,000 in the Natural Areas Fund from Reserves to the Cypress Creek and Riverfront Pines project accounts to provide a portion of the purchase price of the Jupiter Ranch, Inc. and Whitesell properties, and for TNC's fee for its acquisition of the Jupiter Ranch property, and closing, staff and miscellaneous costs associated with the acquisition of both properties; and

J) approve a Budget Transfer of \$3,300,000 in the Ag Reserve Land Management Fund to the Cypress Creek project account to provide a portion of the purchase price of the Jupiter Ranch, Inc. property.

SUMMARY: The Whitesell property is located along the northeast fork of the Loxahatchee River, and if purchased, would be the only riverfront natural area owned by the County. Two (2) appraisals were obtained for the property.

5. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

1. **SUMMARY (Continued):** The purchase price of \$3,600,000 is 42.1% below the average appraised value and is contingent upon the natural area being named the "Jackson Riverfront Pines Natural Area" or similar name approved by both the seller and County. Both the Conservation Lands Acquisition Selection Committee (CLASC) and staff recommend approval of this purchase, subject to normal pre-acquisition due diligence. The Jupiter Ranch property is within the County's Cypress Creek Natural Area. The Jupiter Ranch property which includes 251.16± acres is bordered by the County's Cypress Creek Natural Area to the north and west and by Indiantown Road on the south. As originally drafted, the Jupiter Ranch contract was subject to the purchase price being supported by the average of two appraisals. However, appraisals obtained by the County did not support the contract purchase price of \$96,600 per acre. In subsequent negotiations, the seller verbally agreed to sell the property to the County for an amount equal to the value estimate supported by the County's Property and Real Estate Management Division (PREM), or \$90,000 per acre. The seller has until 5 p.m. on October 2, 2006 to withdraw this verbal acceptance. Discussion by CLASC of the proposed acquisition of the Jupiter Ranch property is expected at their October 2, 2006 meeting. A letter stating CLASC's stand on the proposed acquisition will be submitted at the October 3, 2006 BCC Meeting. Staff recommends approval of the Jupiter Ranch contract at an amended purchase price of \$90,000 per acre. A preliminary survey provided by the seller indicates that the property contains 251.16± acres instead of the approximate 252 acres referenced in the contract. The final price will be based on the actual number of acres purchased as determined by a certified survey, approved by the County's Engineering Department. This item also authorizes the payment of a \$100,000 fee to TNC for negotiation services related to the Jupiter Ranch acquisition. The purchase of these two (2) environmentally sensitive properties exceeds the available balance remaining in the 1999 and 2001 \$75 million General Obligation Conservation Land Acquisition Funds. To close the gap between available funds and anticipated future revenues/grants, staff has recommended the use of monies from the Natural Areas and Ag Reserve Management Funds. District 1 (JMB)

5. REGULAR AGENDA

D. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends that the BCC not approve: an Agreement for Purchase and Sale for approximately 150 acres of land within the County's Cypress Creek Natural Area from RV Holding Co., Inc., a Florida Corporation, for \$20,000,000, an amount which is 63.6 percent higher than the average of two (2) recent appraisals. **SUMMARY:** The RV Holding Co. property is within the County's Cypress Creek Natural Area. The property contains an estimated 150 acres and is bordered by the Cypress Creek Natural Area to the north and east, and by Indiantown Road to the south. The Agreement is subject to the purchase price being supported by the average of two (2) appraisals and the County acquiring funds from the Florida Sunshine Fund. However, appraisals received by the County do not support the \$20 million purchase price contained in the Agreement. It is the County's Property and Real Estate Division's (PREM) opinion that appraisals received for the RV Holding Co. property and the Jupiter Ranch property located approximately 1.5 miles east of the subject property support a value of \$90,000 per acre for both of the properties. Jupiter Ranch has verbally agreed to accept the \$90,000 per acre value supported by PREM for its approximate 252 acre property, which is similarly situated to the RV Holding's property (see agenda item 5D-1). At \$90,000 per acre, the 150-acre RV Holding property would be valued at \$13.5 million. Because the \$20 million purchase price contained within the Agreement exceeds both the County Approved Value defined in the Agreement and the \$90,000 per acre value supported by PREM, staff recommends that the BCC not approve the Agreement for Purchase and Sale. Discussion by CLASC of the proposed acquisition of the RV Holding Co. property is expected at their October 2, 2006 meeting. A letter stating CLASC's position on the proposed acquisition will be provided at the October 3, 2006 BCC Meeting. Since the acquisition of the Whitesell and Jupiter Ranch properties as provided for in the preceding agenda item (5D-1) would encumber all available remaining monies in the 1999 and 2001 \$75 million General Obligation Conservation Land Acquisition Funds, acquisition of the RV Holding Co. parcel at any price would require the BCC to secure a loan from the Florida Sunshine Fund. Therefore, if the BCC decides to approve the Agreement and waive their right to terminate the contract based on price, or negotiates an amended purchase price with the seller, it will also have to authorize staff from the Office of Finance and Budget Department to proceed with securing funds from the Florida Sunshine Fund in an amount equal to the purchase price of the RV Holding property. District 1 (JMB)

5. REGULAR AGENDA

E. HOUSING & COMMUNITY DEVELOPMENT

1. **Staff recommends motion to approve:** revisions to the Community Development Block Grant (CDBG) Program Local Entitlement Methodology and Strategy and CDBG Application Packet, starting with the funding period October 1, 2007, through September 30, 2008 (FY 2007-2008). **SUMMARY:** The proposed changes will affect FY 2007- 2008 and subsequent, but will be incorporated to the planning process starting October 2006, as the process starts one (1) year in advance. The proposed changes focus on improving the timeliness of expenditure of CDBG funds in compliance with regulatory provisions at 24 CFR 570.902, and on implementation of HUD's new Performance Measurement Outcome system. The proposed program revisions are summarized as follows:

- 1) Local CDBG subrecipients (municipalities, public agencies, private non-profits, etc) which at the time of the application deadline, have not expended 51% of any previous year's grant awards, excluding the fiscal year running at time of submission, shall not be considered for funding;

- 2) Municipal subrecipients which are expending funds in a timely manner, as well as the unincorporated area, will be entitled to a prorated share of the funding that otherwise would have been available to untimely subrecipients;

- 3) The Special Area of Hope (AOH) Program will allocate to the selected Lake Region municipality \$400,000 in addition to the municipality's local entitlement, instead of the current \$400,000 in lieu of its local entitlement. No payment of salaries is permitted using Special AOH Program funds, however, local entitlement funds may continue to be used for payment of salaries. Six (6) months prior to the start of Palm Beach County's fiscal year, the municipality targeted to receive the Special AOH funds must meet with HCD staff to identify and prioritize potential projects;

- 4) If not allocated to a project by the start of Palm Beach County's fiscal year, or if unexpended three (3) years following the start of Palm Beach County's fiscal year, set aside funds for the Economic Development Program will revert to the general CDBG program for use for community development activities;

- 5) The maximum application amount for countywide or unincorporated area projects will be increased from \$250,000 per application to \$300,000 per application;

- 6) Selection preference will be given to projects that evidence the ability to expend the majority of funds within twelve (12) months from the start of Palm Beach County's fiscal year;

- 7) All municipal applicants that receive funding for design and construction of capital improvements projects must complete design of such projects in one (1) fiscal year, and must complete permitting and construction in two (2) fiscal years. A portion of the allocation sufficient to complete one (1) functional component of the project will be automatically committed to such component. Non-profit agencies will be eligible to receive construction costs without design;

- 8) Any activity which may cause displacement of residential and/or business tenants must provide the following with their application: a) a relocation plan meeting all requirements of 24 CFR 570.606, as amended. This plan shall be prepared by a consultant with demonstrated experience in relocation matters, and shall include all relocation costs for the proposed project; b) a document legally binding the grant awardee to place in the project budget sufficient funds to fully implement the relocation plan; and c) documentation evidencing that all required notices to tenants have been prepared and are available to be provided; and

5. REGULAR AGENDA

E. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

1. **SUMMARY (Continued):** 9) Revisions to the format of the CDBG application packet to elicit responses necessary to fulfill classification and data requirements of HUD's new Performance Measurement Outcome system and implementing software, IDIS.

Notice of the proposed revisions were published in the Palm Beach Post on August 27 and September 17, 2006, posted on Housing and Community Development's (HCD) website, and transmitted to all participating municipalities via letter dated August 25, 2006. Countywide (TKF)

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE CHILD CARE FACILITIES BOARD

6. BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD

A. HEALTH DEPARTMENT

1. **Staff recommends motion to approve:** appointment of one (1) member to the Child Care Advisory Council to fill the position of a member representing Department of Children and Families vacated by Amelia Lee. This is an at-large appointment.

<u>Nominee:</u>	<u>Seat No.</u>	<u>Requirement</u>
Aurelia Diaz	7	Represents Children & Families

SUMMARY: The Child Care Advisory Council is comprised of seven (7) members who serve at the pleasure of the Board of County Commissioners. One (1) of the required appointment categories must be filled by a member who represents Department of Children and Families in Palm Beach County. Mrs. Diaz presently works as an Operation Review Specialist. She satisfies the requirements as set forth in Chapter 59-1698, Special Acts, Laws of Florida, as amended by Chapter 77-620, Laws of Florida. Countywide (GB)

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RECESS AS THE CHILD CARE FACILITIES BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

7. BOARD APPOINTMENTS

A. PUBLIC SAFETY DEPARTMENT
(Animal Care & Control Professional Committee)

1. **Staff recommends motion to approve:** appointment of two (2) persons to fill two (2) vacant at-large positions on the Animal Care & Control Professional Committee to complete the term from October 3, 2006 to October 2, 2008:

<u>Nominees (Select Two):</u>	<u>Nominated By:</u>
Marie Hope Davis	Commissioner Addie Greene
Sue Drawdy	Commissioner Warren Newell
Linda Gore	Commissioner Karen Marcus
Nancy Alexander	Commissioner Burt Aaronson
Nick Atwood	Commissioner Addie Greene

SUMMARY: Resolution No. R77-723, as amended by R90-1992A and R93-276 established the Animal Care Advisory Board. Resolution R2005-1609, dated August 16, 2005 restructured the membership and created the Animal Care & Control Professional Committee. The committee is comprised of representatives for the following agencies: Palm Beach County Veterinary Society; United States Department of Agriculture; Palm Beach County Sheriff’s Office; Florida Fish and Wildlife Conservation Commission; and the Palm Beach County Health Department. There are also two (2) at-large positions. The Committee’s role will be to discuss matters relating to animal care, animal health issues, public health and safety concerns, and to listen to matters brought forth by the public. Countywide (DW)

B. HOUSING & COMMUNITY DEVELOPMENT
(Emergency Shelter Grants Program (ESGP) Advisory Board)

1. **Staff recommends motion to approve:** appointment of LeRoy Nace as a regular member to the Emergency Shelter Grants Program (ESGP) Advisory Board to fill an unexpired two (2) year term (Seat 8), starting October 3, 2006, through September 30, 2007:

<u>Nominee</u>	<u>Nominated By</u>	<u>Seat</u>
LeRoy Nace	The Homeless Coalition of Palm Beach County, Inc.	8

SUMMARY: The Emergency Shelter Grants Program (ESGP) Advisory Board consists of nine (9) regular and two (2) alternate members nominated for BCC appointment by The Homeless Coalition of Palm Beach County, Inc. In accordance with 42 U.S.C. 11375(d), at least one (1) member of the ESGP Advisory Board must be a homeless individual or former homeless individual. Advisory Board members, who must be residents of Palm Beach County, must also be non-conflict, meaning that the agencies they are employed by, or are board members of, will not be applying for ESGP funds during their term of office. Advisory Board members serve two (2) year terms. The primary objective of the ESGP Advisory Board is to make funding recommendations to the Board of County Commissioners (BCC) for the Emergency Shelter Grants Program. Board Member Lisa Lickstein resigned from the ESGP Advisory Board when she could no longer participate in the regularly scheduled meetings of the ESGP Advisory Board. Countywide (TKF)

7. BOARD APPOINTMENTS

C. OFFICE OF FINANCIAL MANAGEMENT & BUDGET
(Investment Policy Committee)

1. **Staff recommends motion to approve:** appointment of one (1) new member to the Investment Policy Committee for the completion of a two (2) year term beginning on October 3, 2006, through February 27, 2008:

<u>Nominee</u>	<u>Seat No.</u>	<u>Nominated By</u>
Larry Zalkin	2	Commissioner Aaronson

SUMMARY: Steve Joslin has resigned his seat on the Investment Policy Committee (IPC). Mr. Joslin’s seat on the Committee needs to be filled. The Committee is comprised of seven (7) members, including a current member of the Board of County Commissioners, four (4) representatives from the private sector approved by the BCC, a designee of the Palm Beach County Sheriff’s Office, and an employee of the Office of Financial Management and Budget selected by the County Administrator. Commissioner Aaronson currently serves as the Board’s representative and as the Committee’s Chairman. The Board members were notified of the vacancy, which resulted in the only nomination being submitted by Commissioner Aaronson. This appointment would be for the completion of a period of two (2) years commencing October 3, 2006 and ending on February 27, 2008. Countywide (PFK)

D. COMMISSION DISTRICT APPOINTMENTS

OCTOBER 3, 2006

8. MATTERS BY THE PUBLIC - 2:00 P.M.

OCTOBER 3, 2006

9. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

OCTOBER 3, 2006

10. COMMISSIONER COMMENTS

A. District 1 - COMMISSIONER KAREN T. MARCUS

B. District 2 - COMMISSIONER JEFF KOONS

C. District 3 - COMMISSIONER WARREN H. NEWELL

D. District 4 - COMMISSIONER MARY MCCARTY

E. District 5 - COMMISSIONER BURT AARONSON

F. District 6 - COMMISSIONER TONY MASILOTTI, CHAIRMAN

G. District 7 - COMMISSIONER ADDIE L. GREENE, VICE CHAIRPERSON

11. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

OCTOBER 3, 2006

PAGE ITEM

29 5B-2 **ADD-ON: Staff recommends motion granting: County Attorney's request:**
1) to schedule a private meeting for an attorney-client session between the Board of County Commissioners, the County Administrator, the County Attorney and certain assistant county attorneys pursuant to Fla. Stat. §286.011(8)(1993) to discuss pending litigation in which Palm Beach County is presently a party to-wit: Westgate Tabernacle, Inc. v. Palm Beach County, Case No. 2002CA003598XXXXMB AO and Westgate Tabernacle, Inc. v. Palm Beach County, Case No. 2004CA011943XXXXMB AO; and 2) to give public notice of a private meeting for an attorney-client session by announcing the time, date and location, date, to-wit: 11:30 a.m. on Tuesday, October 17, 2006, in the Thomas McEaddy Conference Room, 301 North Olive Avenue, 12th Floor, West Palm Beach, Florida, and placing further notice of said private meeting on the Agenda of the Board of County Commissioners for its Tuesday, October 3, 2006 meeting. The following persons will attend the meeting with the members of the Board of County Commissioners who are present at that time: Robert Weisman, County Administrator; Denise M. Nieman, County Attorney; Andrew J. McMahon, Chief Assistant County Attorney; Amy Taylor Petrick, Assistant County Attorney. **SUMMARY:** The Board will discuss pending litigation in which Palm Beach County is presently a party. District 2 (AJM)

31 5D-1 **REVISED TITLE & SUMMARY: Staff recommends motion to:**

A) accept an Assignment of Option Agreement for Sale and Purchase (Assignment No. 1) from The Conservation Fund, as Trustee of the Conservation Fund Charitable Trust (TCF), for acquisition of approximately three (3) acres of land located along the Loxahatchee River from Thomas C. Whitesell and Charon J. Whitesell, James J. Whitesell and Tallulah L. Whitesell, and James J. Whitesell and Thomas C. Whitesell, ~~et al~~, as Trustees of the ~~Dorothy Whitesell Florida Residential Interest Trust~~ under Agreement dated March 5, 1996 (Whitesell, et al) at a purchase price of \$3,600,000;

B) approve the exercise of the Option Agreement for Sale and Purchase (Agreement No. 1) from The Conservation Fund, as Trustee of the Conservation Fund Charitable Trust (TCF), for the acquisition of approximately three (3) acres of land located along the Loxahatchee River from ~~Thomas C. Whitesell, et al, as Trustees of the Dorothy Whitesell Florida Residential Interest Trust~~ at a purchase price of \$3,600,000, subject to satisfactory due diligence;

C) approve TCF's fee for the acquisition of the Whitesell, et al, property, which is 1% of the total purchase price, pursuant to TCF's agreement (R99-957D) with the County;

D) E) ... F)G)....H)

I) approve a Budget Transfer of \$7,500,000 in the Natural Areas Fund from Reserves to the Cypress Creek and Riverfront Pines project accounts to provide a portion of the purchase price of the Jupiter Ranch, Inc. and Whitesell, et al, properties, and for TNC's fee for its acquisition of the Jupiter Ranch property, and closing, staff and miscellaneous costs associated with the acquisition of both properties; and

J)....

SUMMARY: The Whitesell, et al, property is located along the northeast fork of the Loxahatchee River, ... (ERM)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).